

# RESOLVE

Results Through Consensus

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30 March 2003

## MEMORANDUM

TO: MLPA Morro Bay Regional Working Group Members

FROM: Michaela Ledesma, RESOLVE and Paul Reilly, CA Department of Fish and Game

SUBJECT: December 16<sup>th</sup> Morro Bay Regional Working Group (RWG) Meeting Summary and Action Items

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Thank you for your participation and efforts at the MLPA Morro Bay Regional Working Group (RWG) meeting held on Monday, December 16, 2002. This memo includes a brief meeting summary and the following attachments:

*Attachment A – Roster of Attendees*

*Attachment B – Upcoming Meeting Dates and Action Item List*

Please carefully review the attached Action Item list (*Attachment B, Upcoming Meeting Dates and Action Item List*) to ensure we have included all of the agreed-upon tasks and to identify your work areas. Please feel free to contact me at (503) 228-6111 or at [mledesma@resolve.org](mailto:mledesma@resolve.org) or Paul Reilly at (831) 649-2879 or at [preilly@dfg.ca.gov](mailto:preilly@dfg.ca.gov) if you have questions or concerns

### **I. Welcome, Introductions, Proposed Meeting Objectives and Agenda**

The meeting began with the Regional Working Group (RWG) Coordinator, Mr. Paul Reilly of the Department of Fish and Game (DFG), welcoming the members and observers. He then asked everyone to introduce themselves. Ms. Michaela Ledesma, RESOLVE facilitator, then briefly reviewed the proposed meeting objectives, agenda, and logistics; the RWG agreed to proceed with the proposed agenda as planned.

Ms. Nancy Castle with AGP Video based in Morro Bay asked the group to consider allowing them to tape each meeting for the local television channel. The group agreed to take it under consideration later in the meeting.

Mr. Reilly introduced each handout contained in the packet of meeting materials. Ms. Ledesma asked for any comments or changes to the October 2<sup>nd</sup> draft meeting summary; the RWG approved the summary with no further additions or modifications.

## **II. Review of Action Items and Group Updates**

The group next reviewed the status of the October 2<sup>nd</sup> meeting action items. Mr. Reilly noted that Mr. Hafer still needs to identify an alternate. The Department is still working on the flowcharts requested by meeting participants at the October 2<sup>nd</sup> meeting and expects to complete them in January. Mr. Reilly noted that Ms. Chamois Anderson in DFG's Conservation Education will take care of press releases, media contacts, etc. for the MLPA RWG process. Mr. Reilly will also request the list of regional media contacts from Ms. Anderson and convey them to the group.

### **Update on Fish and Game Commission decision on Channel Islands MPAs**

Mr. Reilly summarized the Channel Islands process and the Commission's adoption of a network of MPAs in October 2002. The Channel Islands process was unique to the Channel Islands Sanctuary. The Monterey Bay National Marine Sanctuary has begun a related but different process and has formed a Working Group primarily to discuss the possibility of MPAs in federal waters within its boundaries as part of its Management Plan review. Coordination is planned with the MLPA process, and Mr. Reilly is a member of the Sanctuary's Marine Reserve Working Group. Although the Channel Islands MPAs were adopted after the passage of the MLPA, the former process began before the MLPA was enacted.

Regional Working Group members engaged in a discussion about the implications of several recent major fishery closures, including the California Rockfish Conservation Area (groundfish closure from 20 to 150 or 150 fm) and the Cow cod closure. The Department is looking to the group to determine if these meet the goals of the MLPA within their region. Some group members asserted that these closures could be considered de facto MPAs although they are not formal MPAs or the equivalent of State Marine Reserves, and that many of the fishing management methods actually meet the MLPA goals in the closures.

Mr. Reilly highlighted that there are important distinctions between MLPA and the Channel Islands process. The Commission is unlikely to pass any other MPAs unless the recommendation comes from the MLPA process. Mr. Reilly then explained that the Department and the Commission were involved in a lawsuit regarding the Channel Islands decision but that he could not discuss it further since it is in litigation.

With regards to the MLPA process, the Department will present the draft Master Plan to the Commission either as a CEQA document equivalent or with a separate CEQA document.

### **Meeting summary for Socio-Economic workshop**

Finally, Mr. Reilly summarized the results of the November 15, 2002 Socioeconomic Workshop held in Santa Cruz. There were no questions or comments.

Mr. Derel Terra offered public comments to the Regional Working Group.

### **III. Learning About Working Group Members’ Hopes and Expectations**

New RWG member Mr. Hafer was given an opportunity to share his hopes and expectations for the MLPA Regional Working Group process since he was not in attendance at the October 2<sup>nd</sup> 2002 meeting.

### **IV. Review, Refine, Finalize and Adopt RWG Operating Principles**

Ms. Ledesma reviewed the status of the draft operating principles discussed at the October 2<sup>nd</sup> meeting. The group revisited the “Decision-Making” language in Section 5 and, after some additional discussion, agreed on the following language to represent how the RWG will define consensus:

“Consensus is defined as all Working Group members can agree to and support the recommendation or decision.”

Next, group members addressed whether or not create a mechanism to address the lack of consensus. They agreed upon the following language to ensure that members with dissenting opinions have an opportunity to represent those to the DFG and Fish and Game Commission:

“...lack of agreement including opportunities for reports *and identification* to ensure that all opinions will be represented.”

In Section 6, group members engaged in a discussion regarding dealing with the press and potential mischaracterizations of RWG members’ perspectives. Ultimately, the Working Group agreed to leave the language “as is.” The group agreed to allow the Port and Harbor representatives to the RWG to keep their cell phones in “vibrate” mode during meetings in case of an emergency.

With the above amendments to Section 5, the group agreed to adopt the operating principles as final. Ms. Ledesma will incorporate the agreed-upon changes and RWG members unable to attend the meeting will have two weeks following electronic distribution of the final document to share any issues or concerns.

### **VI. Video Recording**

AGP Videoing requested the group’s permission to videotape RWG meetings to air unedited on a local cable station. Ms. Ledesma noted that the Operating Principles state there will be no audio or video recording unless approved by the group. There may be times when the conversation becomes heated and the intent is that RWG discussions should remain as open and honest as possible. The group may want to the video turned off or not have it in place for certain meetings.

One group member shared his familiarity with AGP Videoing, and attested to their professionalism as well as the value of sharing the RWG meetings with the public. AGP staff noted their policy to never turn off taping during a session, and to not edit the tape content. Mr. Reilly reminded the group that from a legal standpoint this is a public meeting and people have a right to record it; however, the group can respectfully ask for no taping.

Group members highlighted how the recording of meetings can broaden public outreach. The taping of the October Fish and Game Commission meeting regarding the Channel Islands MPAs was very helpful in generating public discussion. The group suggested that the facilitator could make a process statement at the beginning of each meeting that the MLPA RWG deliberations are a “work in progress” and that decision points reached in a given meeting may not be final.

Following the discussion, the group agreed to allow AGP Videoing to tape all of its RWG meetings. Ms. Ledesma will team with the Department to craft the opening process statement and AGP will be added to the interested party list for meeting notification.

## **VII. Group Composition**

Group members next engaged in a discussion regarding group composition. One member proposed adding a member representing the commercial salmon fishery, stating that he did not feel he could adequately represent their interests. He noted that other Regional Working Groups have three commercial seats, while the Morro Bay RWG has two. Other group members acknowledged the responsibility of each member to represent interests broader than their own specific area of expertise, and questioned whether adding another commercial fishing seat would create the need to add additional recreational and environmental seats as well.

After considerable discussion, the group agreed that the member’s alternate should be from the commercial salmon fishery to better represent that constituency’s interests at the table. No additional members will be added to the Working Group at this time. Mr. Reilly replied to a question regarding absenteeism by stating that that he would communicate with members that are absent on an ongoing basis to resolve the issue.

## **VIII. MLPA Process Documents and Tools to Assist the RWGs**

Mr. Reilly provided an overview of the MLPA process tools the Department is developing for use by the Regional Working Groups:

- A timeline for the MLPA process. This should be available at the next meeting.
- A template will be created to summarize existing or proposed MPAs. This template will be uniform between RWGs.
- A recommendation flowchart detailing how Master Plan drafts will be developed and finalized will also be available at the next meeting.
- GIS tools will be of use in developing the MLPA plan. Side scan sonar may also be available in the future.

There were no questions or comments.

Ms. Ledesma then went over a partial list of categories which will appear on the matrix/ template for evaluating potential MPAs. The Department, Master Plan Team and RESOLVE are teaming to develop the template for use by the Regional Working Groups at upcoming meetings. Comments from RWG members are appreciated. The Department has asked socio-economic scientists to come up with a criteria list to assist in evaluating socioeconomic factors related to MPAs.

## **IX. Review and Discussion of Existing MPAs**

Ms. Gina Wade introduced the features of GIS programming and available data layers. Fisheries landing data in DFG block format for 2000 and 2001 will be provided to the group for fisheries which use logbooks. Components such as total area of existing MPAs and coastal rivers will be included among the available GIS layers.

Ms. Wade informed the group that 60 to 80 gigabytes of GIS data are available. Data layers from other areas will be added as they become available. She noted that anchorage site data is unavailable, but that the nautical charts show launch sites. Kelp bed locations are available from aerial surveys. Commercial regulations are being mapped, but recreational regulations do not lend themselves to GIS input. NOAA has generated a bio-geographic report which can be found at [californiacoastline.com](http://californiacoastline.com) – there is a wealth of information at that site.

### **Existing MPAs**

Next, the group reviewed each existing MPA within the region, summarizing existing regulations as well as group member expertise for each.

*Julia Pfeiffer Burns State Park* - The Department will clarify if the coastal terrestrial boundary is the same as the marine boundary. This area will be renamed as a State Marine Conservation Area if no regulations are changed.

*Big Creek Marine Resource Protection Act Ecological Reserve* - Big Creek is a no-access reserve created by voter initiative. It contains a great diversity of habitats including significant populations of nearshore fishes.

*Atascadero Beach, Morro Beach, Pismo-Oceano Clam Reserves and Pismo Invertebrate Reserve* - These reserves are not effective in the single goal for which they were created – to protect adult-sized Pismo clams.

*Vandenberg Marine Resource Protection Act Ecological Reserve* - Vandenberg includes rocky, sandy and hard-bottom habitat, as well as brown rockfish habitat. It has been mapped under water. Vandenberg was previously a site with good commercial abalone fishing, and currently provides good halibut fishing.

The group also discussed “de facto” reserve areas in the region, which include the Vandenberg Air force Base Safety Zone, Diablo Canyon Nuclear Power Plant, and offshore cables. Mr.

Endersby agreed to provide a map of the Diablo Canyon Nuclear Power Plant area, which was set up in response to the events of September 11<sup>th</sup> 2001. Mr. Reilly will check with Mineral Management Services for maps of the offshore cables.

### **Existing Data Sources**

John Ugoretz stated that he is compiling hard copies of all the articles and reports listed in the MLPA RWG binders as a data resource. The group listed other sources of data that may be useful in the MLPA RWG process:

- Logbook data information and CPFV logs
- MRFSS
- Kelp Bed Maps
- Surveys from CenCal dive meets
- Bird and mammal haul out sites
- Commercial fishing, diver knowledge
- PISCO information
- Sport landing sites
- Cable Liaison Committee for information/discussion of cable location and orientation
- Observer programs data, e.g. CPFV data in administrative reports
- Land based activities such as beach closures
- Water Quality Board
- Bottom habitat data from Gary Green of the U.S. Geological Survey
- Nearshore fishery logbook – new, limited, and voluntary

### **X. Next Step Tasks, Meeting Summary and Acknowledgements**

Group members expressed concern about the lack of funding available for the MLPA process. Mr. Ugoretz highlighted that RESOLVE is funded from outside grants by groups that authored the MLPA, and welcomed group members' ideas for outside finding. He also noted that the Department plans to meet with RESOLVE and Marine Managers in January to develop the overall MLPA process timeline.

In consideration of the Department's efforts to develop and provide process documents and substantive information well in advance of the next meeting, Working Group members selected Monday, March 24<sup>th</sup> or Tuesday, March 25<sup>th</sup> as their next meeting date. An individual encouraged the Department to consider season openers and fishing conflicts when scheduling future meetings.

Upcoming meeting topics will include:

- Discussion and evaluation of how existing MPAs do or do not meet the goals of the MLPA;
- Discussion of Big Creek and Vandenberg Reserves with reserve staff.

As the meeting neared its conclusion, Mr. Jim Wood provided public comments to the group.

The meeting adjourned at 4:30 pm.

*ATTACHMENT A*  
**MLPA MORRO BAY REGIONAL WORKING GROUP**  
**December 16, 2002**

**ROSTER OF ATTENDEES**

**Working Group Members:**

1. Mr. Phil Adams, Environmental
2. Mr. Rick Algert, City of Morro Bay, Harbor Department
3. Mr. Don Canestro, Norris Rancho Marino Natural Reserve
4. Mr. Eric Endersby, Recreational Diving
5. Mr. Ray Fields, The Abalone Farm
6. Mr. Joe Geever, Surfrider Foundation
7. Mr. Tom Hafer, Commercial Fishing
8. Lt. Bob Koch, California Department of Fish and Game
9. Mr. Huff McGonigal, Monterey Bay National Marine Sanctuary
10. Mr. August Phillips, Commercial Fishing
11. Dr. Lance Rennka, Non-consumptive Recreation/Diving
12. Mr. Jim Webb, Recreational Angling

(Members absent: Steve Moore, Chuck Rawlinson)

**Alternates/Observers:**

1. Mr. Fred Arnold, commercial fisherman
2. Ms. Monica Hunter, socioeconomist
3. Mr. Ron Massengill, alternate
4. Mr. Derel Terra, proposed alternate
5. Mr. Jim Wood, Morro Bay Harbor Advisory Board

**Department and MLPA Planning Team staff:**

1. Mr. Paul Reilly
2. Mr. John Ugoretz
3. Ms. Maura Leos
4. Ms. Gina Wade

**RESOLVE staff:**

1. Ms. Michaela Ledesma

*ATTACHMENT B*  
**MLPA MORRO BAY REGIONAL WORKING GROUP**  
**December 16, 2002**

**UPCOMING MEETING DATES AND ACTION ITEMS LIST**

| <b>Upcoming Meeting Date</b>  | <b>Time</b>           | <b>Location</b>        |
|---|-----------------------|------------------------|
| <ul style="list-style-type: none"> <li><b><i>To be confirmed</i></b> – Monday, March 24 or Tuesday, March 25</li> </ul> | 9:00 a.m. – 4:30 p.m. | <i>To be confirmed</i> |

| <b>Action Items</b>  | <b>Who</b>   | <b>When</b>                                    |
|--|--|--|
| 1. <u>Operating Principles</u> <ul style="list-style-type: none"> <li>Distribute revised draft operating principles with redline/strikeout changes for review.</li> <li>Finalize/post operating principles after two week comment period.</li> </ul>   | RESOLVE to RWG<br><br>RESOLVE and DFG                            | ASAP<br><br>Following comment period           |
| 2. <u>Document Distribution</u> <ul style="list-style-type: none"> <li>Circulate 3<sup>rd</sup> meeting notice including confirmed date, time and location</li> <li>Prepare and distribute December 16<sup>th</sup> draft meeting summary</li> <li>Distribute meeting materials, etc. by email</li> <li>Update RWG roster information as provided</li> </ul> | RESOLVE<br><br>RESOLVE<br>RESOLVE and DFG<br><br>RESOLVE and DFG | ASAP<br><br>ASAP<br>As needed<br><br>As needed |
| 3. <u>Develop and distribute MLPA Process Tools</u> <ul style="list-style-type: none"> <li>Schedule and timeline</li> <li>Template/criteria</li> <li>Recommendation flowchart</li> </ul>   | RESOLVE and DFG  | Prior to next meeting                          |
| 4. <u>Resource Materials</u> <ul style="list-style-type: none"> <li>- Distribute resource materials to RWG, as identified</li> </ul>   | DFG  | ASAP   |
| 5. <u>RWG Communication</u> <ul style="list-style-type: none"> <li>Discuss how and when Regional Working Groups will share information with one another (e.g. joint meetings, etc.)</li> </ul>   | MLPA Planning Team   | ASAP   |



| <b>Action Items</b>   | <b>Who</b>   | <b>When</b>                                       |
|---|--|---|
| 6. <u>RWG Alternates</u> <ul style="list-style-type: none"><li>• Keep alternates informed of meeting dates, locations and topics for discussion</li></ul>   | RWG members  | Ongoing, especially when unable to attend meeting |
| 7. <u>March Meeting</u> <ul style="list-style-type: none"><li>• Proposed agenda topics include:<ul style="list-style-type: none"><li>- Discussion and evaluation of how existing MPAs do or do not meet the goals of the MLPA;</li><li>- Discussion of Big Creek and Vandenberg Reserves with reserve staff</li></ul></li><li>• Identify and distribute background materials as appropriate</li></ul> | RESOLVE and DFG prepare proposed agenda and circulate to RWG | At least two weeks in advance of March meeting    |